

**Zoning Board of Appeals  
April 25, 2012 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA12-005, 1117 S. State Street**

**Summary:** Michael Van Goor is requesting permission to alter a non-conforming structure (Chapter 55, Zoning, Section 5:87), from the Zoning Board of Appeals in order to allow alteration and re-location of an existing non-conforming structure.

**Description and Discussion:**

The subject parcel is located on South State Street, just north of McKinley Avenue and across the street from The University of Michigan's Yost Arena. The existing structure is a 1,406-square foot, single-family dwelling constructed in 1915. The parcel is zoned R4C (Multiple-Family).

The parcel is nonconforming for lot size (7,680 sf; required is 8,500 sf). The existing structure is non-conforming because it encroaches into the required front and rear setbacks. The required front setback is 25 feet, and the house is setback 17 feet from the front property line (8 foot existing encroachment). The required rear setback is 30 feet, and the house is setback 27 feet 9 inches from the rear property line (2 foot 3 inch encroachment).

The petitioner is proposing to lift the house and construct a new foundation 5 feet 6 inches closer to the south property line. The structure will then be moved to the new foundation, which will be located at the 12 foot required south side setback. The front and rear setbacks will remain exactly as they are currently (17 and 27 feet 9 inches respectively), and the north side setback will increase from 34 feet 7 inches to 40 feet 4 inches. The ceiling height in the basement will be increased to provide the minimum height required by Building code for the addition of bedrooms.

After renovations to the interior, the relocated structure will contain a total of six bedrooms: two in the basement and four on the second floor. The first floor will be living and dining area, including a kitchen. The structure will remain single-family with a maximum occupancy of six unrelated people.

There are no changes proposed to the footprint of the existing structure, with the exception of a small porch and steps added to the exterior rear of the structure.

**Standards for Approval - Permission to Alter a Non-Conforming Structure:**

The Zoning Board of Appeals has all the power granted by State law and by Section 5:98, from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

***The alteration complies as nearly as practicable with the requirements of the Zoning Chapter and will not have a detrimental effect on neighboring property.***

As presented, the footprint of the existing house will not be expanded; the petitioner is asking to alter an existing non-conforming structure by moving it 5 feet 6 inches to the south. The encroachment into the front and rear setback will remain exactly the same and the north setback will be increased by 5 feet 6 inches. Given the design of the existing house, it would be impractical to remove portions of the building to comply with either the front or rear setback requirement.

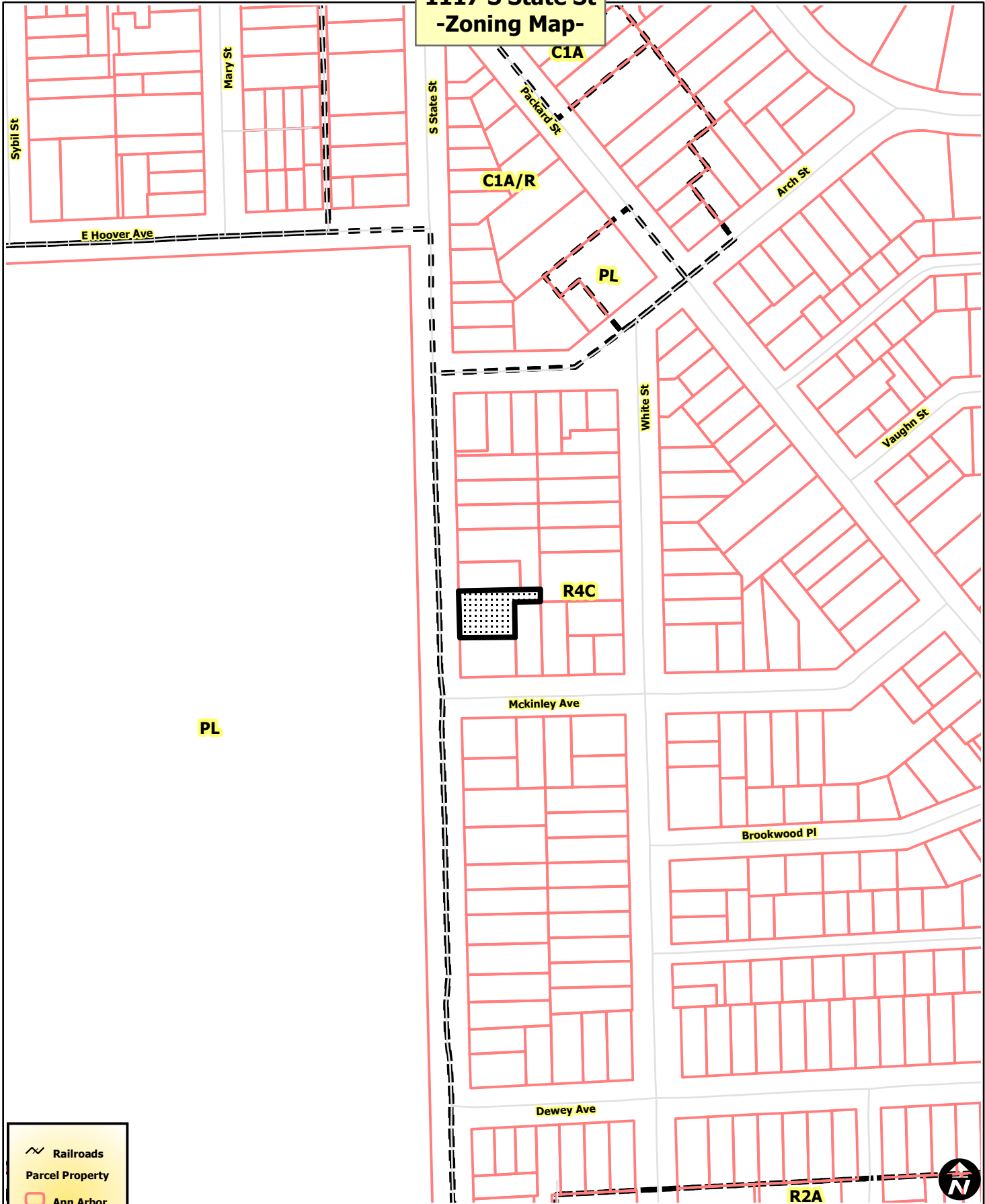
After renovations and relocation, the structure will be used as a single-unit student rental home and is generally consistent with other surrounding uses. The addition of bedrooms will not increase the maximum occupancy of the house (6 people) permitted in the R4C Zoning District. The proposed renovations will bring the structure into conformance with all Building and Housing codes.


Respectfully submitted,



**Matthew J. Kowalski, AICP**  
**City Planner**

# 1117 S State St -Zoning Map-






-  Railroads
-  Parcel Property
-  Ann Arbor
-  Township
-  Zoning



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 Map Created: 4/2/2012

# 1117 S State St -Aerial Map-



-  Railroads
-  Parcel Property
-  Ann Arbor
-  Township



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**APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE**  
**ZONING BOARD OF APPEALS**

**Section 1: Applicant Information**

Name of Applicant: Michael T. Van Goor, AIA - Van Goor Architects, Inc.  
Address of Applicant: 118A N. Fourth Ave, Ann Arbor, MI 48104  
Daytime Phone: W: 734-741-9422; M: 734-276-7520  
Fax: ---  
Email: mike@vgarchitects.com  
Applicant's Relationship to Property: Architect retained by the Owner for the renovations

**Section 2: Property Information**

Address of Property: 1117 S. State Street, Ann Arbor, MI 48104  
Zoning Classification: R4C  
Tax ID# (if known): 09-09-33-209-011  
\*Name of Property Owner: Donald & Charlotte Jones

*\*If different than applicant, a letter of authorization from the property owner must be provided.*

**Section 3: Request Information**

Variance

Chapter(s) and Section(s) from which a ~~variance~~ permission to alter is requested:

	Required dimension:	PROPOSED dimension:
<u>Chapter 55, Section 5:34, Rear Setback</u>	<u>30.00'</u>	<u>27.75' (Existing)</u>
<u>Chapter 55, Section 5:34, Front Setback</u>	<u>25.00'</u>	<u>17.00' (Existing)</u>
<u>Chapter 55, Section 5:34, Min. Lot Area</u>	<u>8,500 SF</u>	<u>7,680 SF (Existing)</u>

*Example: Chapter 55, Section 5:26*

*Example: 40' front setback*

*Example: 32'*

Give a detailed description of the work you are proposing and why it will require a variance (attach additional sheets if necessary)

Not a variance request - not applicable

**Section 4: VARIANCE REQUEST (If not applying for a variance, skip to section 5)**

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:98. A variance may be granted by the Zoning Board of Appeals only in cases involving practical difficulties or unnecessary hardships when **ALL** of the following is found **TRUE**. Please provide a complete response to each item below. These responses, together with the required materials in Section 5 of this application, will form the basis for evaluation of the request by staff and the Zoning Board of Appeals. (continued...)

**1. Are there hardships or practical difficulties to complying with the ordinance? Are these hardships or practical difficulties an exception or unique to the property compared to other properties in the City?**

Not a variance request - not applicable

**2. Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return? (explain)**

Not a variance request - not applicable

**3. What effect will granting the variance have on the neighboring properties?**

Not a variance request - not applicable

**4. What physical characteristics of your property in terms of size, shape, location or topography prevent you from using it in a way that is consistent with the ordinance?**

Not a variance request - not applicable

**5. Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about?**

Not a variance request - not applicable

## Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property Single-Family Dwelling - Rental Property

The proposed change is allowed in accordance with Structure Non-Conformance, Section 5:87 (1) (a) & (b), which reads as follows:

- (1) A non-conforming structure may be maintained or restored, but no alteration shall be made to a non-conforming structure unless one of the following conditions is met:
  - a. The alteration is approved by the Zoning Board of Appeals upon finding that it complies as nearly as practicable with the requirements of this Chapter and that it will not have a detrimental effect on neighboring property.
  - b. The alteration conforms to all the requirements of this Chapter and is made to a building which will be a single-family dwelling on completion of the alteration and is located in an R1,R2, R3, or R4 district.
  - c. The structure is considered non-conforming due to the following reasons

(continued . . . . . )

**Existing Condition**

**Code Requirement**

Lot area	7,680 SF	8,500 SF
Lot width		
Floor area ratio		
Open space ratio		
Setbacks	Front (covered porch) 17.00'	25.0'
	Rear 27.75'	30.0'
Parking		
Landscaping		
Other		

Describe the proposed alterations and state why you are requesting this approval:

The existing foundation walls are structurally failing, and requires to be replaced. In doing so, the headroom in the basement will be increased and the stair to the basement replaced to conform to the current building code requirements. Two additional bedrooms will also be constructed in the basement. During the foundation replacement, the building will be shifted south to the setback line to allow the opportunity and potential for a future addition.

The alteration complies as nearly as is practicable with the requirements of the Chapter and will not have a detrimental effect on neighboring property for the following reasons:

The renovation will not be detrimental because the current use will be maintained, the existing non-conformities will not be increased, and the shifted structure will comply with the setback requirements of the current zoning ordinance.

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit \_\_\_\_\_

the construction of a new foundation system, shift the structure south to the setback line, miscellaneous interior renovations including two bedrooms in the basement, and utility upgrades.

**Section 6: Required Materials**

The following materials are required for all variance requests. Failure to provide these materials will result in an incomplete application and will delay staff review and Zoning Board of Appeals consideration of the request. The materials listed below must accompany the application and constitute an inseparable part of the application.

All materials must be provided on **8 1/2" by 11" sheets.** (Continued.....)

- Survey of the property including all existing and proposed structures, dimensions of property, and area of property.
- Building floor plans showing interior rooms, including dimensions.
- Photographs of the property and any existing buildings involved in the request.
- Any other graphic or written materials that support the request.

**Section 7: Acknowledgement**

**SIGNATURES MUST BE SIGNED IN PRESENCE OF NOTARY PUBLIC**

I, the applicant, request a variance from the above named Chapter(s) and Section(s) of the Ann Arbor City Code for the stated reasons, in accordance with the materials attached hereto.

734-741-9422  
 Phone Number  
 mike@vgarchitects.com  
 Email Address

Michael T. Van Goor Signature  
 Michael T. Van Goor, AIA, LEED AP  
 Print Name

I, the applicant, hereby depose and say that all of the aforementioned statements, and the statements contained in the materials submitted herewith, are true and correct.

Michael T. Van Goor Signature

Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.

Michael T. Van Goor Signature

I have received a copy of the informational cover sheet with the deadlines and meeting dates and acknowledge that **staff does not remind the petitioner of the meeting date and times.**

Michael T. Van Goor Signature

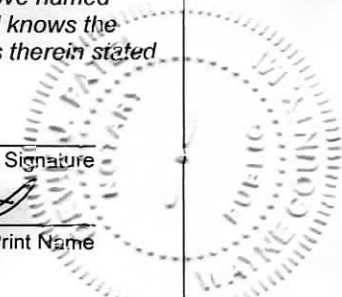
On this 27 day of March, 2012, before me personally appeared the above named applicant and made oath that he/she has read the foregoing application by him/her subscribed and knows the contents thereof, and that the same is true as to his/her own knowledge except as to those matters therein stated to be upon his information and belief as to those matters, he/she believes them to be true.

DEVIK J. PATEL  
 Notary Public, State of Michigan  
 County of Wayne  
 My Commission Expires Nov. 16, 2017  
 Acting in the County of Wayne

D. J. Patel Notary Public Signature

Notary Commission Expiration Date

Devik J. Patel Print Name



**Staff Use Only**

Date Submitted: \_\_\_\_\_ Fee Paid: \_\_\_\_\_  
 File No.: \_\_\_\_\_ Date of Public Hearing \_\_\_\_\_  
 Pre-filing Staff Reviewer & Date \_\_\_\_\_ ZBA Action: \_\_\_\_\_  
 Pre-Filing Review: \_\_\_\_\_  
 Staff Reviewer & Date: \_\_\_\_\_



Matt Kowalski, Zoning Coordinator  
Zoning Board of Appeals  
City of Ann Arbor Building Department  
PO Box 8647  
Ann Arbor, Michigan 48107-8647


March 27, 2012

Project: 1117 S. State Street

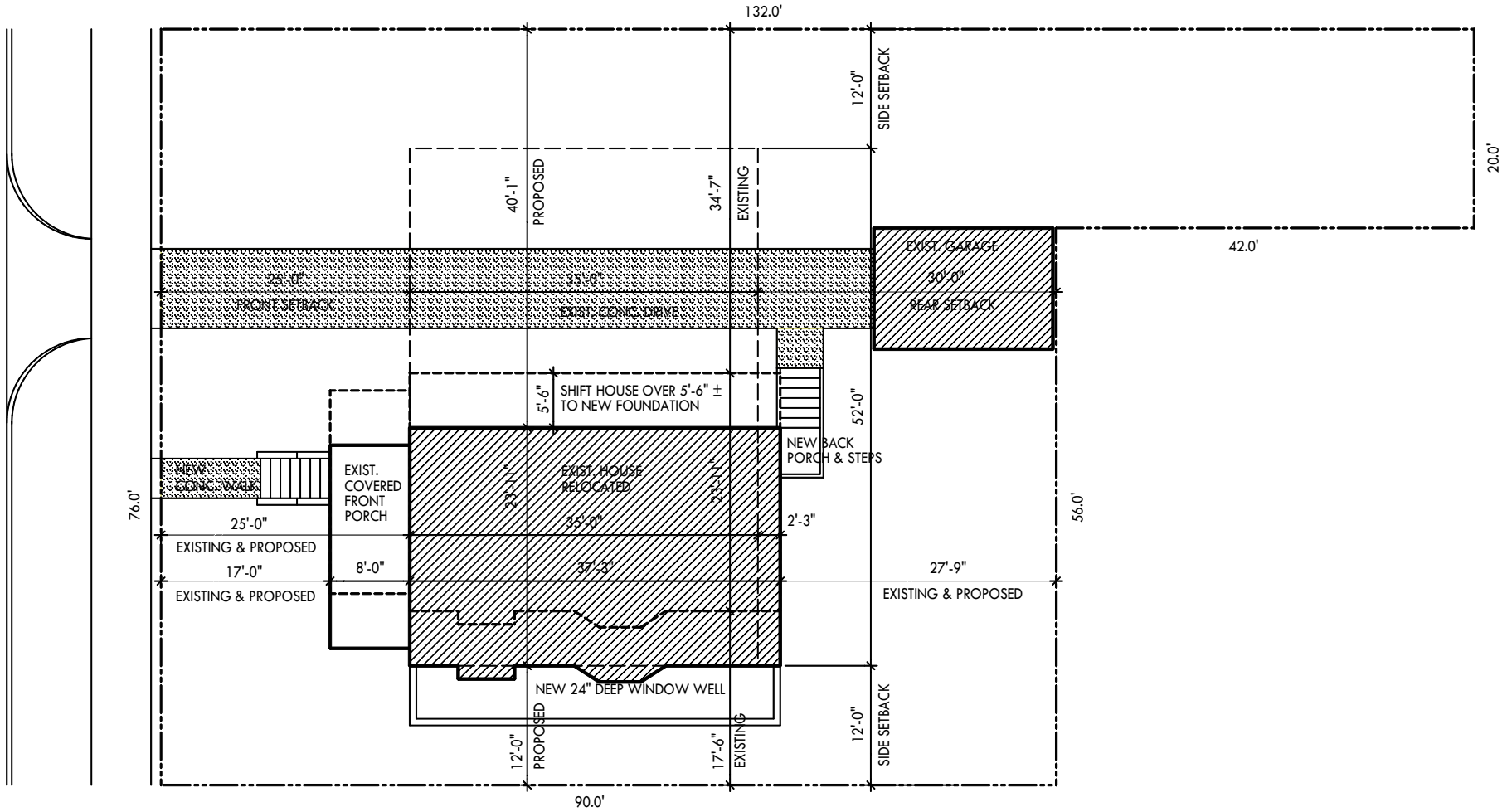
Dear Matt,

I am writing to inform you that our Architect, Michael VanGoor of VanGoor Architects, has our permission to act on our behalf, and authority to represent us in all matters concerning our project at 1117 S. State Street.

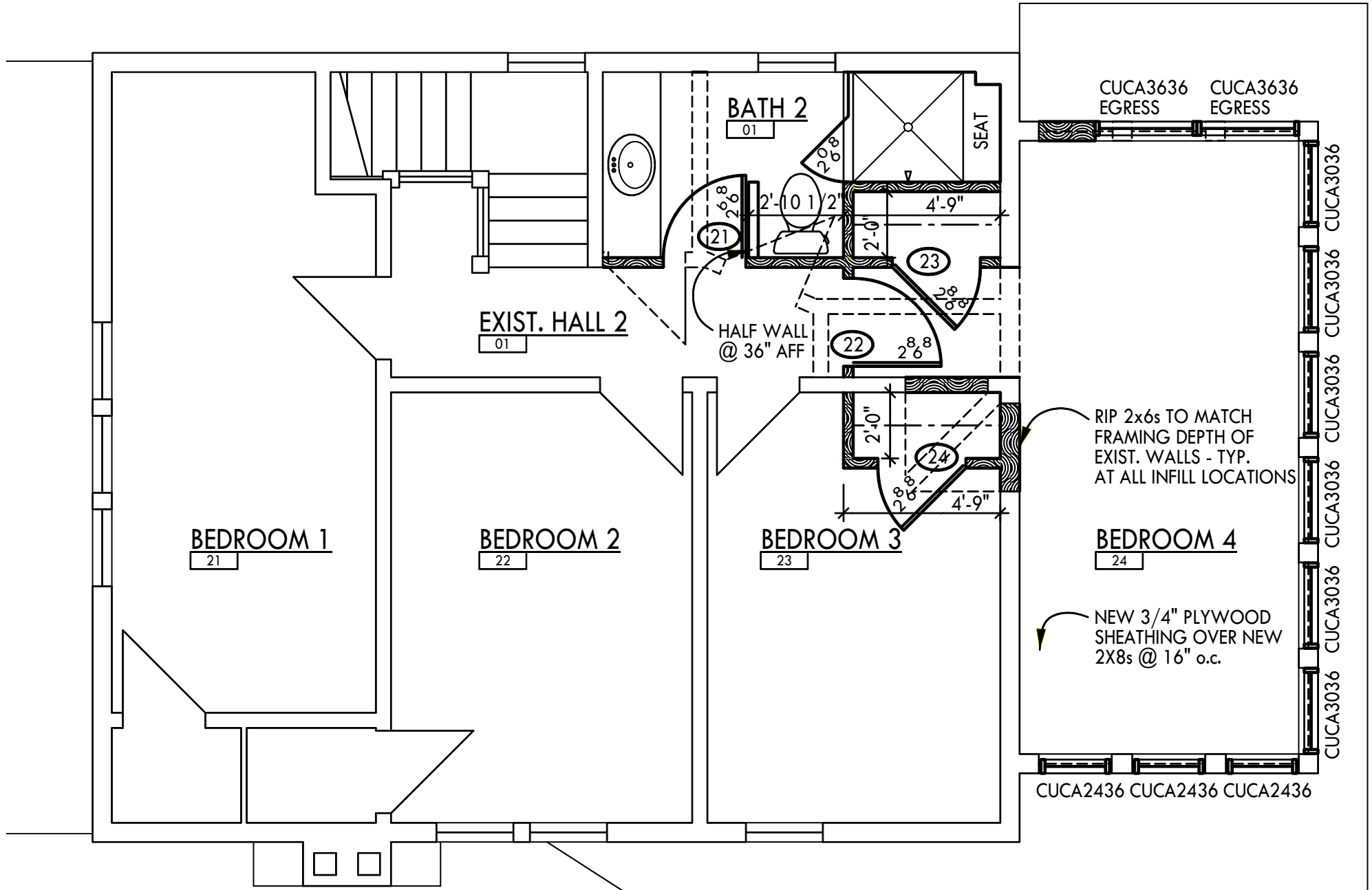
Sincerely,



Dan Jones  
Jones Properties



 **PROPOSED SITE PLAN**  
 1/16" = 1'-0"





FRONT - WEST



SIDE - SOUTH

Zoning Board of Appeals - Permission to Alter a Non-Conforming Structure  
1117 S. State St. Ann Arbor, MI 48104



Van Goor Architects, Inc.  
118A N. Fourth Ave., Ann Arbor, MI 48104 734-741-7-9422

EXISTING PHOTOS

1 of 3



BACK - EAST



SIDE - NORTH

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**EXISTING PHOTOS**

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BASEMENT FOUNDATION



BASEMENT FOUNDATION

Zoning Board of Appeals - Permission to Alter a Non-Conforming Structure  
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EXISTING PHOTOS

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